

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THOMAS FLORENCE,	§
(Former TDCJ-CID #654322)	§
Plaintiff,	§
	§
vs.	§ CIVIL ACTION H-08-0754
	§
LINDA CARRONZA, <i>et al.</i> ,	§
	§
Defendants.	§

ORDER

On April 17, 2008, this court dismissed Florence's suit, without prejudice to refiling in the proper venue. (Docket Entry No. 7). Florence filed objections on April 28, 2008. (Docket Entry No. 9). Florence argued that this court's dismissal order had no effect because his objections were not addressed. (Docket Entry No. 16, p. 1). Florence is apparently relying on 28 U.S.C. § 636(b)(1), which applies to objections to a United States magistrate judge's proposed findings and recommendations. That statute does not apply here.

Even if this court construed Florence's objections as a motion to alter the judgment, he is not entitled to such relief. Florence has repeatedly filed suits in other federal courts. His prior suits include Civil Action No. 6:06-0045. Florence objected to the statement that the claims he is asserting in the present case are attempts to relitigate claims presented in this

earlier suit, without success. Florence argues that the claims in the instant suit arise “from a whole separate incident” than the claims he raised in Civil Action No. 6:06-0045, (*id.* at 6), but there is significant overlaps and similarities between the two suits that are not explained. Florence is unhappy with the result in Civil Action No. 6:06-0045, which is pending on appeal.

The dismissal of this case was without prejudice. (Docket Entry No.7). Florence has an opportunity to file nonduplicative claims in the proper division and district. Florence is an experienced litigator and quite capable of filing in the correct venue.

Florence’s motion for extension of time, (Docket Entry No. 10), motion to proceed as a pauper, (Docket Entry No. 12), motion for injunctive relief, (Docket Entry No. 13), motion for leave to file additional evidence, (Docket Entry No. 16), and motion for leave to file exhibits, (Docket Entry No. 17), are denied as moot. Florence’s objection to this court’s dismissal, construed as a motion to alter judgment, (Docket Entry No. 9), is denied.

SIGNED on July 29, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge